

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13431, of 1501 - 12th Street Associates, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the off-street parking requirements (Sub-section 7202.1) to use all floors of the subject premises as an apartment house consisting of four units in an R-5-B District at the premises 1501 - 12th Street, N.W., (Square 311, Lot 801).

HEARING DATE: February 18, 1981
DECISION DATE: March 4, 1981

FINDINGS OF FACT:

1. The subject property is located in an R-5-B District at the northeast corner of the intersection of 12th and P Streets, N.W.
2. The subject property is rectangular in shape and has twenty feet of frontage on 12th Street and fifty feet of frontage on P Street.
3. The subject property is improved with a brick three-story plus basement row-type structure. The subject building occupies 100 percent of the lot.
4. The building is currently vacant. The last previous use of the building was as a flat.
5. The applicant proposes to use the property as a four unit apartment house. There would be one one-bedroom unit on each floor, including the basement.
6. Pursuant to Sub-section 7201.2 of the Regulations, when the use of a structure is changed, parking spaces shall be provided for the additional requirement in the amount necessary to conform to the requirements of Section 7202. A flat requires one parking space. An apartment house of four units requires two spaces. The applicant must therefore provide one space. Since the applicant proposes to provide no parking, a variance is required.
7. There is no open area of the lot on which one parking space could be located. The landscaped area on the south side of the building is part of the public right-of-way of P Street.

8. It is not practical to locate a parking space in the basement or first floor of the building. Further, the driveway required to reach such a space would eliminate one on-street parking space, thereby yielding no net increase in the parking supply in the area.

9. The area is well served by public transportation. There are numerous Metrobus routes on 14th , 13th, 11th and P Streets and Rhode Island Avenue.

10. The representative of the applicant testified that it is not economically feasible to renovate the property for use as a flat. The Board so finds.

11. The subject property is in the Logan Circle Historic District. The Joint Committee on Landmarks has approved the restoration of the building.

12. The Logan Circle Community Association, by letter dated February 17, 1981, supported the application. The Association noted that the property is a corner lot with extensive street frontage which could serve as on-street parking for the building. The Association advised that parking within the building could not be provided without seriously disfiguring the architectural integrity of the building.

13. There was no written report from Advisory Neighborhood Commission - 2C received in the record of the application.

14. The owner of property at 1422 - 12th Street appeared at the hearing. He testified to a general lack of on-street parking in the area, and complained of lack of enforcement of the two hour residential parking permit program. He opposed the application on the grounds that on-street parking spaces would be lost, in order to provide access to off-street spaces for the subject site. When advised that no off-street parking was proposed, and no on-street spaces would be lost, the owner withdrew his opposition.

15. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the fact that the building occupies 100 percent of the lot is an exceptional condition. In addition, there is no practical way to provide parking in the building. The Board concludes that there is a situation inherent in the property that warrants granting a variance. The Board further concludes that the strict application of the regulations would create a practical difficulty for the owner, by precluding the renovation of the otherwise unproductive building.

The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune and Douglas J. Patton to GRANT; Charles R. Norris to GRANT by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 4 MAY 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.